

IN RELATION TO THE POWERS AND DUTIES OF CLERKS OF SUPERIOR COURTS. The General Assembly of North Carolina do enact: SECTION 1. That as this act will be incorporated in the general act respecting the practice and procedure of the courts, required to be reported to the General Assembly at its present session, by the commissioners appointed for that purpose, it will be printed in that general act and not elsewhere among the acts of this General Assembly, unless otherwise hereafter directed.

Wilkes, fourth Monday after third Monday in March and September. Caldwell, sixth Monday after third Monday in March and September. Burke, eighth Monday after third Monday in March and September. McDowell, tenth Monday after third Monday in March and September. ELEVENTH JUDICIAL DISTRICT. Alleghany county, the first Monday in April and September. Ash, third Monday in April and September. Watauga, second Monday after third Monday in April and September. Mitchell, fourth Monday after third Monday in April and September. Yancey, sixth Monday after third Monday in April and September. Madison, eighth Monday after third Monday in April and September. Buncombe, tenth Monday after third Monday in April and September. TWELFTH JUDICIAL DISTRICT. Clay county, the first Monday in April and September. Cherokee, third Monday in April and September. Macon, second Monday after third Monday in April and September. Jackson, fourth Monday after third Monday in April and September. Haywood, sixth Monday after third Monday in April and September. Transylvania, eighth Monday after third Monday in April and September. Henderson, tenth Monday after third Monday in April and September.

OF THE QUALIFICATIONS AND GENERAL DUTIES OF CLERKS OF THE SUPERIOR COURTS. SECTION 1. At the first meeting of the county commissioners of each county after the election or appointment of any Clerk of a Superior Court, it shall be the duty of the clerk to deliver to such commissioners a bond, with sufficient sureties, to be approved by them, as now required by law, payable to the State of North Carolina, and with a condition to be void if he shall account for any [and] pay over according to law all monies and effects which he may have received in his hands by virtue of his office, and shall diligently preserve and take care of all books, records, papers and property which have come or may come into his possession, by virtue of his office, and shall in all things faithfully perform the duties of his office, as they are or hereafter may be prescribed by law.

SECTION 2. The approval of said bonds by the commissioners, or a majority of them, shall be recorded by their clerk, and the commissioner dissenting may cause his dissent to be entered on record. Any commissioner approving a bond which he knows or believes to be insufficient, shall personally be liable as if he was a surety thereto. The said bond acknowledged by the parties thereto, or proved by a subscribing witness before the clerk of said commissioners, as their presiding officer, registered in the office of the register of the county, in a separate book to be kept by him for the registration of official bonds, and the original with the approval thereof endorsed deposited with the register for safe keeping. The like remedies shall be had upon said bonds as are or may be given by law on official bonds.

SECTION 3. Every clerk of the Superior Court, before entering on the duties of his office, shall take and subscribe before some officer authorized by law to administer an oath, the oaths prescribed by law, and file the same with the Register of Deeds for the county. SECTION 4. In case any clerk shall fail to give bond and qualify as above directed, the chairman of the county commissioners of his county shall immediately inform the Judge of the judicial district thereof, who shall thereupon declare the office vacant, and fill the same, and the appointee shall give bond and qualify as above directed.

SECTION 5. He shall have an office in the courthouse, or other place provided by the county commissioners, in the county town of his county. He shall give due attendance, in person or by deputy, at his office, daily, (Sundays and legal holidays excepted,) from 9 o'clock A. M., to three o'clock P. M., and longer when necessary for the dispatch of business. SECTION 6. Immediately after he shall have given bond and qualified as aforesaid, he shall receive from the late Clerk of the County and Superior Courts, and Clerk and Master of the Court of Equity of the county all records, books, papers, money and property of their respective offices, and give receipts for the same; and if any such late clerk, or clerks and master, shall refuse or fail within a reasonable time after demand to deliver such records, books, papers, money and property, they shall be respectively liable on their official bonds for the value thereof, and be held guilty of a misdemeanor.

SECTION 11. At every regular term of a Superior Court, the Solicitor for the Judicial District shall inspect the office of the clerk and report to the court in writing. If any clerk, after being furnished with the necessary books, shall fail to keep them up as required by law, he shall be guilty of a misdemeanor, and the Solicitor shall cause him to be prosecuted for the same. If the Solicitor shall fail or neglect to perform the duty hereby imposed on him, he shall be liable to a penalty of five hundred dollars to any person who shall sue for the same.

SECTION 12. No judgment shall be held to have become dormant by reason of any stay of execution thereon in obedience to any general or special orders issued by the General Assembly commanding the military District of which the State of North Carolina formed a part, and the time during which execution was so stayed, shall not be counted in determining any question respecting a judgment being dormant.

SECTION 13. Nothing in this act contained shall affect or impair any right now or hereafter conferred by an Ordinance of the Convention of this State, entitled "an Ordinance respecting the jurisdiction of the Courts of this State," ratified the 14th day of March 1868, in the cases to which it is applicable.

SECTION 14. The clerk shall keep the papers in each action in a separate roll or bundle, and at its termination attach together, properly label, and file them in order of the date of the final judgment.

SECTION 15. The books specified in the above section shall be supplied to the clerks of the several counties by the Secretary of State, at the expense of the State, and the Secretary shall, as soon as possible, transmit an account thereof to the chairman of the County Commissioners, in order that the price may be levied in the county taxes, and also the Auditor of public accounts, who shall add the same to the taxes of the respective counties, and receive and account for it as for other taxes. The commissioners of any county failing to cause such sum to be levied with the other county taxes, shall be guilty of a misdemeanor.

SECTION 16. The clerk shall keep the papers in each action in a separate roll or bundle, and at its termination attach together, properly label, and file them in order of the date of the final judgment.

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